

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44173/2016

M.Manoharan

..Petitioner

Vs

1.The Secretary to Government
Revenue Department,
Fort St George, Secretariat
Chennai-9.

2.The Principal Secretary/Commissioner
of Revenue Administration, Ezhilagam
Chepauk, Chennai-5.

3.The District Collector
Nagapattinam District, Nagapattinam.

4.The District Revenue Officer
Nagapattinam District, Nagapattinam.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to grant arrears of salary on retrospective promotion [Promotion Discipline and Conduct Rules] as per the order of direction issued by this Court in WP.No.22402/2011 dated 21.02.2012 and in Cont.P.No.724/2013 dated 31.10.2013.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner while working as Revenue Inspector, was placed under suspension on 07.08.2009 and it was put to challenge in WP.No.19604/2009 and vide order dated 08.10.2009, the order of suspension was set aside and however, the 4th respondent once again placed the petitioner under suspension on

19.03.2010 and it was also the subject matter of challenge in WP.No.3214/2011 and it was also allowed on 25.02.2011. The grievance expressed by the petitioner is that despite the above said orders, he has not been paid with salary and other consequential benefits and challenging the launch of criminal prosecution, the petitioner also filed CrI.OP.No.27695/2010 and notices were ordered and the jurisdictional police has also registered a Status Report, that no case has been made out against the petitioner, but recommended only for departmental action. Subsequently, the name of the petitioner was also deleted from Cr.No.7/2009 registered by the jurisdictional police. The petitioner also expressed his grievance that despite the revocation of the suspension order and exoneration in the criminal prosecution, he has not been given promotion as Deputy Tahsildar and therefore, filed WP.No.22402/2011 and the said writ petition was allowed and since the said order was not complied with, he filed Cont.P.724/2013 and in the said contempt petition, a specific direction was given to reinstate the petitioner at the first instance in the post of Revenue Inspector. The petitioner continue to express his grievance that he has not been given promotion and the consequential promotions. The 3rd respondent has also passed an order, ordering stoppage of increment for a period of six months without cumulative effect and challenging the same, he filed an appeal before the Commissioner of Revenue Administration and once, again the claim of the petitioner was overlooked.

3 The petitioner would state that the act of the respondents in withholding his promotions, is contrary to the orders passed by this Court in WP.No.22402/2011 as well as in G.O.Ms.No.84, P&AR [Personal FR-V] Department, dated 24.03.1995 and in this regard, the petitioner has also submitted a legal notice dated 27.08.2014 followed by representations dated 01.09.2016 and 21.11.2016 respectively and since his genuine grievances have not been addressed to, he came forward to file the present writ petition.

4 Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representations dated 01.09.2016 and 21.11.2016 respectively, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

- 1.The Secretary to Government
Revenue Department,
Fort St George, Secretariat
Chennai-9.
- 2.The Principal Secretary/Commissioner
of Revenue Administration, Ezhilagam
Chepauk, Chennai-5.
- 3.The District Collector
Nagapattinam District, Nagapattinam.
- 4.The District Revenue Officer
Nagapattinam District, Nagapattinam.

+1cc to Mr.R.Margabandhu,Advocate, SR.153
+1cc to Government Pleader, Sr.229/17.

SV(CO)
GN(24/01/2017)

W.P.No.44173/2016

सत्यमेव जयते

WEB COPY